

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

2019 AUG 27 PM 2:09
STEPHAN HARRIS, CLERK
CHEYENNE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SETH BLACKBURN,

Defendant.

CRIMINAL COMPLAINT

Case Number: 19-MJ-73-F

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

That on or about August 6, 2019, in the District of Wyoming, the Defendant, **SETH BLACKBURN** knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, namely, a rifle of unknown make bearing serial number (S/N) H272147, and the firearm was in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives and that this complaint is based on the following facts: *(See attached Sworn Statement)*, which is made a part hereof and incorporated herein.



Signature of Complainant
KYLE LATULIPPE

Sworn to before me and subscribed in my presence,

August 27, 2019

Date

at Cheyenne, Wyoming

City and State

HON. KELLY H. RANKIN
Magistrate Judge, United States District Court

Name & Title of Judicial Officer



Signature of Judicial Officer

**Sworn Statement Of Special Agent Kyle LaTulippe
In Support Of A Criminal Complaint**

[UNITED STATES v. SETH BLACKBURN]

I, Kyle LaTulippe, being duly sworn upon my oath, state as follows:

1. I was a Federal Air Marshal (FAM) from March, 2009 to January, 2016. In that capacity I was a Visual Intermodal Prevention and Response (VIPR) team member, international team leader, and held other positions. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. In 2016, I arrived at the Cheyenne, Wyoming ATF Field Office as an ATF Special Agent. Since starting as a special agent, I have participated in multiple investigations involving the illegal possession and/or use of firearms. I have been involved in multiple ATF investigations as the lead agent and as an agent assisting other lead agents.

2. The information contained within this sworn statement is based upon interviews conducted by me and/or other officers and investigators; my personal knowledge and observations; my training and experience; and the review of reports, documents, and records.

3. Because this sworn statement is being submitted for the limited purpose of establishing probable cause to show that the Defendant, SETH BLACKBURN, committed a violation(s) of federal law, specifically Felon in Possession of a Firearm, in violation of Title 18 U.S.C. §§ 922(g)(1) and 924(a)(2), I have not included each and every fact known concerning this investigation, but have set forth only the facts I believe are necessary for the limited purpose of obtaining a criminal complaint and arrest warrant for BLACKBURN.

4. On August 8, 2019, I was contacted by Casper Police Department (CPD) Detective (Det.) Trujillo regarding SETH BLACKBURN. In speaking with Det. Trujillo and reviewing an affidavit for a search warrant, I learned, in part, the following:

On August 6, 2019, at approximately 1:15 p.m., Witness One (W1) and Witness Two (W2) were standing outside the Outlet Liquor and Tobacco store located at 627 N. Poplar Street in Casper, Wyoming. W1 and W2 saw a male [subsequent investigation set forth below indicates this male was BLACKBURN] and a female inside a black four-door pickup truck parked outside the store. W1 and W2 saw the female enter the store while the male remained in the truck. When the female later left the store, she had a bottle of liquor in her hands; she got into the driver's seat of the truck and drove away east down a dead end street leading to a trailer park. The store cashier came outside and told W1 and W2 the female hadn't paid for the liquor. The truck with the female and male then drove back past the store. W2 got into his/her car and followed the truck until it stopped on J Street and the female yelled at W2 to stop following them or her boyfriend would shoot him/her. W1 told the female s/he only wanted the liquor back. The male then got out of the truck, opened the rear passenger door and obtained a SKS style rifle and pointed it at W2. W2 immediately left, drove back to the store, and called the police.

Witness Three (W3) lives on East J Street. On August 6, 2019, W3 called the CPD and reported seeing a black pickup truck stop in front of his/her residence. W3 reported an Hispanic looking male with short hair and a thin build dressed in a white t-shirt got out of the truck with a rifle and point the rifle at a car and driver parked near the truck. After this happened, the driver of the car backed up and drove away.

5. On August 6, 2019, CPD Officer Dunnuck met with and interviewed W2 at the Outlet Liquor and Tobacco store. W2 advised s/he didn't know the male who pointed the SKS style rifle at him/her. W2 described the male as being Native American, approximately 6'00" tall with a short haircut and tattoos on his neck and arms.

6. At approximately 4:30 p.m. on August 6, 2019, CPD Officers Dunnuck and Albrecht responded to 1700 E. K Street to check on the welfare of a male who was reported to be sleeping in the bushes near the walking/running trail. The reporting party described the male as Native American with short hair and messed up teeth. Officers walked toward the river and saw a Native American male walking away from them. Officer Dunnuck asked the male to stop, however, the male jumped into the river and tried to swim away. Officers walked down stream, following the male until he swam to the bank. Officers identified the male as SETH BLACKBURN; discovered BLACKBURN had warrants for his arrest; and determined BLACKBURN fit the description of the male who had pointed a firearm at W2 earlier in the day.

7. On August 7, 2019, Det. Trujillo interviewed W1. W1 was shown a series of six photographs of male individuals with similar physical features as BLACKBURN; BLACKBURN's photograph was included in the series. W1 identified BLACKBURN from the series of photos as the male that had been in the black truck with the female who stole a bottle of liquor from the Outlet Liquor and Tobacco store on August 6, 2019.

8. On August 7, 2019, CPD Sgt. Wells located a black Chevrolet four-door pickup bearing Wyoming license plate number 10-T-7658 and VIN 3GCUKRECEXEG191318 in the parking lot near the soccer fields at 1700 E. K Street. This location is within walking distance of the area where BLACKBURN was contacted and arrested by officers the previous day. The truck was registered to Leona Hiebert. From outside of the truck, through the window(s), Officers saw a SKS style rifle on the passenger seat. The truck was sealed with evidence tape and taken to a secured CPD location.

9. On August 9, 2019, law enforcement officers searched Hiebert's truck pursuant to a search warrant obtained from Wyoming Seventh Judicial District, Circuit Court Judge Brown, and

pursuant to consent obtained from Hiebert. Law enforcement personnel located and seized a SKS style rifle of unknown make. This rifle contains markings showing it to be a 7.62 caliber rifle with S/N H272147 and bearing model number N59/66A1. The rifle was run through NCIC and it turned up as having been reported stolen out of Lander, Wyoming.

10. Leona Hiebert was interviewed by Bureau of Indian Affairs (BIA) Special Agent (SA) Mike Shockley, on August 8, 2019. Hiebert advised she knows BLACKBURN and that she and BLACKBURN are dating. On Monday, August 5, 2019, BLACKBURN asked to borrow her truck to go get a drink at the Riverton, Wyoming, Loaf 'N Jug; BLACKBURN never returned with her truck and she doesn't know where it or he is. Hiebert agreed to let law enforcement search her truck and signed a BIA written consent to search. Hiebert's truck is a black 2014 Chevy pickup bearing Wyoming license plate 10-T-7658 and VIN 3GCUKRECEG191318.

11. During the course of my investigation, I learned BLACKBURN was previously convicted of a crime punishable by imprisonment for a term exceeding one year. Specifically, on February 18, 2009, BLACKBURN was sentenced to twenty-four months imprisonment for *Aggravated Assault and Battery and Aiding and Abetting* in the United States District Court for the District of Wyoming in case number 08-CR-232-01B.

12. I reviewed BLACKBURN's biographical data, including a booking photo from his arrest and conviction on the above noted offense and compared it against BLACKBURN's booking photo and biographical data from his August 6, 2019, arrest by the CPD; the BLACKBURN convicted in Case Number 08-CR-232-01B and the BLACKBURN arrested on August 6, 2019, appear to be the same person. Based on my review of BLACKBURN's booking photo, he appears to be Native American, approximately 6'00" tall with short hair and tattoos on

his arms and neck, and he appears to match W2's physical description of the male who pointed a SKS type rifle at him/her on August 6, 2019, in Casper, Wyoming.

13. On August 26, 2019, I interviewed W2. W2 was shown a series of six photographs of male individuals with similar physical features as BLACKBURN; BLACKBURN's photograph was included in the series. W2 identified BLACKBURN from the series of photos as the male who pointed the SKS type rifle at him/her on August 6, 2019, in Casper, Wyoming.

14. ATF SA Matt Wright determined that the 7.62 caliber SKS type rifle bearing S/N H272147 recovered from Hiebert's truck met the federal definition of a firearm under 18 U.S.C. § 921, and that the rifle was not manufactured in Wyoming; the rifle, therefore, traveled in and affected interstate commerce.

END OF SWORN STATEMENT

PENALTY SUMMARY

DEFENDANT NAME: SETH BLACKBURN

DATE: August 27, 2019

INTERPRETER NEEDED: No

VICTIM(S): No

OFFENSE/PENALTIES: 18 U.S.C. §§ 922(g)(1) and 924(a)(2)
(Felon in Possession of a Firearm)

0-10 Years Imprisonment
Up To \$250,000 Fine
3 Years Supervised Release
\$100 Special Assessment

AGENT: Kyle LaTulippe, ATF

AUSA: Timothy W. Gist, Assistant United States Attorney

**ESTIMATED TIME OF
TRIAL:** 1 to 5 days

**WILL THE GOVERNMENT
SEEK DETENTION IN THIS
CASE:** Yes

**ARE THERE DETAINERS
FROM OTHER
JURISDICTIONS:** Yes